

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 16CF762

MARVIN LASHAWN CARTER,

Defendant.

STIPULATION

The parties, the State of Wisconsin by Assistant District Attorney Catelin Ringersma, and Marvin Lashawn Carter by Assistant State Public Defender Dustin C. Haskell, stipulate and inform the court as follows:

On February 8, 2017, Mr. Carter pled guilty to possession with intent to deliver less than three grams of heroin as a second drug offense while possessing a dangerous weapon (Count 2), and possessing a firearm as a felon (Count 3), contrary to Wis. Stat. §§ 961.41(1m)(d)1, 961.48(1)(b), 939.63(1)(b), and 941.29(1m)(a). (43.) In exchange for his pleas, the State agreed to recommend six years in confinement, followed by eight years of extended supervision. (58:2-3.)

On July 20, 2017, the court sentenced Mr. Carter to seven years in confinement, followed by five years of extended supervision on Count 2, consecutive to a sentence of two years in confinement and two years of extended supervision on Count 3. Thus, the total sentence was for a term of nine years in confinement, followed by seven years of extended supervision. (43.)

On November 24, 2020, Mr. Carter filed a postconviction motion for resentencing, arguing that the State breached the plea agreement and that the sentencing court relied on inaccurate information. The parties filed briefs on the postconviction motion and the court held a hearing on June 23, 2021, which was continued to September 10, 2021.

The parties—the State, defense counsel, and Mr. Carter—believe that sentence modification is appropriate to resolve this matter, in lieu of postconviction or appellate proceedings

The parties therefore request that the court modify the sentence on Count 2 to six years in confinement, followed by five years of extended supervision. The parties further request that the court order Count 2 and Count 3 to run concurrently with one another. All other terms of the original sentence remain as ordered.

Mr. Carter—through counsel—acknowledges his understanding that, if the court approves this stipulation, the resulting modification of his sentence will serve as a full and final resolution of any potential postconviction and appellate proceedings, and that he will be giving up his right to challenge his convictions or sentence in this case. Mr. Carter also agrees to voluntarily dismiss as moot his federal habeas corpus action that is now pending in the Western District of Wisconsin challenging his conviction and sentence. Mr. Carter has authorized counsel to enter into this stipulation, knowing that he will be waiving his postconviction motion and appeal in exchange for the modification of his sentence.

Dated September 1, 2021.

Electronically signed by Catelin Ringersma

Catelin Ringersma
Assistant District Attorney
State Bar No. 1081218
Counsel for the State of Wisconsin

Electronically signed by Dustin C. Haskell

Dustin C. Haskell
Assistant State Public Defender
State Bar No. 1071804
Counsel for Marvin Lashawn Carter

FILED

09-02-2021

John Barrett

Clerk of Circuit Court

2016CF000762

DATE SIGNED: September 2, 2021

Electronically signed by Hon. Michael J. Hanrahan
Circuit Court Judge

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ORDER

Based upon the record and the stipulation of the parties, the court hereby orders that the sentence on Count 2 (possession with intent to deliver heroin) be modified to six years in confinement and five years of extended supervision. Further, the sentence on Count 3 (felon in possession of a firearm) is ordered to run concurrently with the sentence on Count 2.

The clerk's office shall prepare an amended judgment of conviction consistent with this order, and transmit a copy of the order to the Department of Corrections.

FILED

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John Barrett

Clerk of Circuit Court

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DATE SIGNED: September 2, 2021

Electronically signed by Hon. Michael J. Hanrahan
Circuit Court Judge

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